

REMARKS

Claims 1-31 are all the claims pending in the application. This Amendment adds claims 28-31, and addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

As a preliminary matter, the specification is amended to correct obvious errors.

Claims 1-3, 6-7, 10-12, and 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0010740 A1 to Kikuchi *et al.* (“Kikuchi”) in view of U.S. Patent Application Publication 2004/0030716 A1 to Hoth *et al.* (“Hoth”). Claims 4, 13, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikuchi in view of Hoth, in further view of U.S. Patent 5,974,407 to Sacks (“Sacks”). Claims 5, 8-9, 14-18, and 23-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikuchi in view of Hoth, in further view of U.S. Patent Application Publication 2003/0172092 to Berger (“Berger”).

Hoth is performing a series of linear searches without use of recursion. Referring to paragraph 0091 and FIG. 9, the search in Hoth sequentially analyzes and eliminates data in accordance with the sequence specified in an entry in a linking structure, *e.g.*, entry 910. The breadth-based search has a fixed “depth” specified by the entry in the linking structure, whereas in a recursive search, the depth of the search depends upon the interrelationships between entities.

Unlike Hoth, the presently claimed search is recursive: *i.e.*, an object is searched to identify related objects; which are then search to identify more related objects; and so on. This pattern of searching continues (exploring both depth and width of the search space) until all relationships having a relationship lineage back to the first object are explored.

Sacks and Berger fail to make up for the deficiencies in the combination of Kikuchi and Hoth.

Moreover, the asserted motivation to combine does not address the underlying difference in data structures employed in Kikuchi and Hoth. The “objects” in Hoth are related only by hierarchical concept, whereas the “objects” in Kikuchi are non-hierarchical and conceptually identical. The assertion that it would have been “obvious that the music data of Kikuchi could be stored in multiple tables” does not address why the music files in Kikuchi would be

hierarchically rearranged in tables referring to the music files in other tables. The data in Kikuchi never possesses object-to-object relationships upon which the system in Hoth operates. It is unclear what problem is being solved or rationale employed to modify the structures described in Kikuchi, beyond hindsight.

Further, with regard to the recitation of extracting previously sent object instances in dependent claims 5, 14, and 23, the aspect of Kikuchi relied upon in the rejections of the independent claims as corresponding to "sending the sorted object instances to the mobile devices" is the delivery of "the data corresponding to the genre/portable device type selected". This activity is the delivery of search results, not the underlying music files. It is not clear how the asserted motivation of allowing for data to be represented and searched in a hierarchical database system can be reconciled with withholding portions of the same search results if the portions have been previously sent to the mobile device. The art of record does not support withholding search results if previously sent.

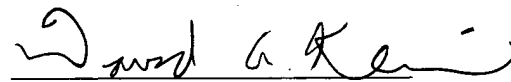
Reconsideration is respectfully requested.

Applicants add new claims 28-31. Entry and consideration on the merits are requested.

Applicants authorize the Commissioner to charge any fees determined to be due with the exception of the issue fee and to credit any overpayment to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4209 to discuss any matter concerning this application.

Respectfully submitted,
KENYON & KENYON



David A. Klein
Reg. No. 46,835

Dated: March 27, 2006

Kenyon & Kenyon
1500 K Street, N.W.
Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201